

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**ANTHONY D. KOEPP and  
AMY M. KOEPP,  
Debtors–Appellants**

**v.**

**Case No. 12-C-0605**

**ENTERPRISE CREDIT UNION,  
Appellee.**

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**DECISION AND ORDER**

Anthony D. Koepp and Amy M. Koepp appeal from an order of the bankruptcy court barring them from filing another bankruptcy case in the Eastern District of Wisconsin for a period of one year. See April 5, 2012 Bankr. Ct. Order. The Koepps argue that the bankruptcy court had no power to impose a ban on refiling lasting longer than 180 days. However, although the Tenth Circuit has held that bankruptcy courts do not have authority to impose filing bans lasting longer than 180 days, see In re Frieouf, 938 F.2d 1099, 1102–04 (10th Cir. 1991), the majority of courts to have considered this issue have held that bankruptcy courts can impose longer bans, see In re Casse, 198 F.3d 327, 334–41 (2d Cir. 1999) (collecting cases). Courts within the Seventh Circuit employ the approach of the majority of courts rather than the approach of the Tenth Circuit, see In re Garcia, 479 B.R. 488, 494 (N.D. Ind. 2012); In re Earl, 140 B.R. 728, 740–41 (N.D. Ind. 1992), and the Koepps do not develop an argument showing that the approach of the majority of courts is erroneous. Moreover, the Koepps have not shown that the bankruptcy court abused its discretion in concluding that the Koepps were abusing the bankruptcy process and that a

refiling ban of one year was an appropriate remedy. Accordingly, the order of the bankruptcy court is **AFFIRMED**. The Clerk of Court shall enter final judgment.

Dated at Milwaukee, Wisconsin, this 19th day of December, 2012.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge